CITY OF PULLMAN BOARD OF ADJUSTMENT

Special Meeting Minutes October 10, 2005

The City of Pullman Board of Adjustment held a special meeting at 7:30 p.m. on Monday, October 10, 2005, in Council Chambers, City Hall, 325 SE Paradise, Pullman, Washington with Chairperson Pat Jeffries presiding.

ROLL CALL: Present: Finch, Harbour, Jeffries, Kallaher, Vonhof, Yrazabal

Staff: Dickinson, Johnson

JEFFRIES

Brought the hearing to order at 7:36 p.m. and took roll call. Read the public hearing rules of procedure, administered the oath or affirmation for those wishing to provide testimony during the first public hearing and qualified all Board members. Asked for the Staff Report.

REGULAR BUSINESS

Pullman Four Square Church conditional use permit application C-05-4 regarding the proposed establishment of a church in the existing Cordova theater building at 135 N. Grand Avenue. Dickinson stated that the applicant was Pullman Four Square Church (Church) and that the proposal was for a conditional use permit regarding the establishment of a church in the existing, but currently vacant, Cordova theater building located at 135 N. Grand Avenue. He stated that Planning Staff is generally in favor of granting conditional approval of the applicant's request, with certain stipulations. He explained that Planning Staff does have concerns about sufficient parking and potential noise levels.

Entered into the record Staff Report No. 05-22, with Attachments A through K, as Exhibit No. 1.

Entered into the record a letter from Thomas Gooch, dated October 6, 2005, as Exhibit No. 2.

Entered into the record a letter from Bethine J. Kenworthy, dated October 6, 2005, as Exhibit No. 3.

Entered into the record a letter from John K. Adams, undated but received by the Planning Department on October 7, 2005, as Exhibit No. 4.

Entered into the record a letter from Jeff and Marcia Gossard, dated October 10, 2005, as Exhibit No. 5.

Entered into the record an e-mail from Janet Damm to Brad Vonhof, dated October 10, 2005, as Exhibit No. 6.

KALLAHER

Clarified with Dickinson that churches are allowed by the City Council in the Central Business District provided they have received approval for a conditional use permit.

VONHOF

Asked Dickinson how the City of Pullman intended to monitor the condition that the building would be used by no more than 25 individuals at a time during certain hours of operation.

DICKINSON

Responded that the City would rely on reports of neighbors of 135 N. Grand Avenue reporting a greater number of people, and City Staff would investigate if such reports were received.

JEFFRIES

Opened the public input portion of the hearing and called for proponents.

JOE WATSON 300 SW Mountain View Dr.

Pullman, WA 99163

Stated that he had lived in Pullman for nearly 30 years. He stated that the church was willing to accept the conditions as proposed by City Staff; the church was willing to limit attendance during the stated hours. He stated that the church and its members desired to be contributing members of the downtown community. Explained that the church has been providing services to the community and a benefit to the City of Pullman. The church and members are committed to maintaining the historical aspect of the Cordova theater building.

JEFF FEUERSTEIN 205 E. Main Street Pullman, WA 99163 He urged the Board to support the conditional use permit along with Planning Staff recommendations. He states that he leads the youth group for the Church. He drew the Board members attention to the fact that the Church has the support of Bethine Kenworthy, the long-time owner of the Cordova. He regrets the lack of knowledge within the community about the Church. He has been the pastor for 13 years, and has been the Pullman Police Department Chaplain. He stated that he believes the Church represents the best of Pullman diversity. He urged Board members to visit the church web pullmanfoursquare.org

DAN SMITH 370 NW Terre View Pullman, WA 99163 He stated that he has been a resident of Pullman for 25 years. He is the pastor for the Church. He is excited to have the opportunity to be downtown and gave his word that the church would abide by the conditions as recommended by Planning Staff. Also, the belief that Pullman would lose the taxes from the building were untrue because the building was owned by private investors and the church would be paying rent, which would in turn pay for taxes on the building.

KEITH BLOOM Co-owner (with his wife) of Café Moro He stated that he and his wife have no objection to the Church moving downtown, and they would be more directly affected because their business is open on Sunday mornings, when the Church would be holding their services and would have the most need for parking, and he believes in the friendly neighbor policy.

RUSS SALVADALENA 845 SW Alcora Street Pullman, WA 99163 Stated that he has been a resident of Pullman for five years. He is a member of the Church, and he appreciates the opportunity to have a more "permanent" location. He stated that he believes having the Church downtown would be good for business.

BEVERLY UETI 1165 S. Grand Avenue Pullman, WA 99163 She stated that she is a member of the Church. She talked about how the church really cares about people, and how they want to touch people in a meaningful way. The Church would like to be more accessible. She believes the church will benefit downtown because it will bring youth, college students and older people downtown.

JEFFRIES

Called for opponents.

GAIL MILLER 440 NE Maiden Lane #6 Pullman, WA 99163 Stated that she has been a lifelong resident, represents the Pullman Civic Theater, is against having the Cordova not preserved as a historic building, and would like to see it open for a venue for the performing arts.

JACK McGRATH 1709 NW Lamont Pullman, WA 99163 Stated that he is an owner of The Quilted Heart, located at 134 N. Grand since 1997, and that he has been a resident for 32 years. He stated that he is reluctant to speak against a church group. However, he does feel it is important to speak against a non-commercial resident of the Central Business District. He is concerned about parking congestion. His business formerly offered quilting classes, but because of the lack of downtown parking he has had to stop offering those classes. He also expressed the concern about a non-revenue-producing business in such a large space.

DEIRDRE ROGERS 1710 SW View Drive Pullman, WA 99163 She stated that she is a 1-year resident of Pullman. She stated that she really enjoys the downtown area, and enjoyed the Cordova (when it was in operation). She expressed concerns about the loss of the use of that space for non-commercial means, and the loss of the historic connection and historic memory.

JULIE KMEC 225 SE Jackson Street Pullman, WA 99163 In the Comprehensive Plan adopted in March of 1999, the author states "Many elements must come together to create a downtown atmosphere that attracts people . . . movie theaters, performing arts, restaurants and other elements can attract people to downtown after hours," but she doesn't think the Church will support achievement of Pullman's community vision in this regard; the downtown area should be reserved for commercial and retail space.

CYNTHIA HOSICK 800 SE Edge Knoll Dr. Pullman, WA 99163 She expressed the beliefs that the theater is too important a part of Pullman's history, that Pullman residents want it to remain a theater, that churches don't belong on the street level in the Central Business District, that Pullman has a tiny downtown so every square foot should be available for retail business space which can be accessed and used by everybody, not a limited number of people.

WALT ZYLAUSK 192 N. Grand Avenue Pullman, WA 99163 Stated that he is a co-owner of Ric-O-Shay. Expressed the concern that approving this conditional use permit would set a precedent and the downtown area could become filled with churches. Stated the belief that the area is commercial for a reason and that it should remain in use for commercial only.

ALEX HAMMOND 1110 NE Indiana Pullman, WA 99163 Stated that he is a member of the board of Pullman Association for Responsible Development (PARD). He also questioned the reasoning behind the Church moving into such a large space – 509 seats – when they state they only have 75-150 current members.

VONHOF

Expressed the concern that parking would continue to be an issue if the theater was in operation and filled all 509 seats.

DICKINSON

Entered into the record the copy of the Cultural, Entertainment and Recreational Uses page of the Zoning Code handed in by Alex Hammond as Exhibit No. 7.

THOMAS REED 905 NE "D" Street Pullman, WA 99163 Stated his beliefs that the downtown is not the right place for a church; every attempt should be made to maintain a historic building with its historic use; commercial/retail use of the building is covered by the Comprehensive Plan. Expressed his concerns that a lot of businesses are moving out of the Central Business District and over to Bishop Boulevard.

JANICE MILLER 1630 SW View Drive. Pullman, WA 99163 Stated that she has been a resident of Pullman for 45 years. She spoke in favor of "playing by the rules." Acknowledged that the code allows for changes and adjustments. Expressed the desire for more business downtown, and opined that the applicants have the "Burden of Proof" for a change from current rules.

MARCIA GOSSARD 215 SW Church Street Pullman, WA 99163 Stated that she has been a resident of Pullman for about 30 years. She agreed that churches are vital for a community. She expressed the beliefs that a church is not good for a healthy downtown; it would decrease diversity of the people downtown; and it was not consistent with the Comprehensive Plan. She opined that there was no intention to stop the use of the theater as a theater until the building was sold.

MOLLY SCHIERMAN 615 NW Ventura Pullman, WA 99163 She stated that she just wanted to add her voice to the concern about adequate parking in downtown.

GENE SIMPSON

Stated that he believes the downtown area of Pullman should remain a business area.

LORETTA ANAWALT 1125 NE Monroe Pullman, WA 99163 Stated that she has worked with the Pullman Civic Trust for 22 years, and that they have strived to enable walking access to downtown. She stated that she and her husband own apartments near the theater, and when the Church youth group rented 135 N. Grand Avenue and called it Studio Ten-Nine, her requests for a reduction in the noise level were not acknowledged or respected.

JEFFRIES

There were no neutral parties. Called for proponent reply.

JEFF FEUERSTEIN

Thanked the opponents for their concerns. Stated that the Church intends to restore and enhance the building and keep it on the historic register. Stated that the Church has been in existence for 25 years, the Church will continue to pay taxes and have not requested a zone change. He stated he was encouraged by no religious discrimination among the opponents. He opined that the church would not result in the loss of a cultural center; stated that the Church has previously sponsored a free showing of "The Passion of the Christ." Added that the Church is voluntarily submitting to the limitations being placed on them, even though their neighbors do not have the same limitations.

JOE WATSON

Expressed appreciation for the input from the opponents. Stated that the Church has "played by the rules," will abide by the code, is committed to doing everything possible to maintain the historical use of the building, maintenance issues will be corrected and repaired, accept the responsibility of being downtown, envision using the building more than just Sunday mornings, hope to open the building to other cultural and civic events. Stated that Studio Ten-Nine will be closing effective November 1, 2005, and will be moving into the Cordova building. Reiterated that the Church will abide by the conditions and will take immediate action to rectify any issues brought to their attention by their neighbors. Stated that the Church is currently renting from independent investors who are former members of the Church, that there are no current plans for the Church to purchase the building, but that they would like to buy it in the future.

ADAM BROWN 1130 NE Monroe St. Pullman, WA 99163 Stated that he moved to the area in July and that he is both a friend of the Church and an ordained pastor. Stated the beliefs that the Church will bring in revenue and bring life to the community.

JEFFRIES

Called for reply by opponents.

ALEX HAMMOND

Reiterated the parking issue. Expressed the concern to protect compatible uses from incompatible uses.

BRUCE ANAWALT 1125 NE Monroe Pullman, WA 99163 Stated that he was married to Loretta Anawalt, an earlier speaker. Reiterated the noise problem. Stated that he wants the Church to find a home, but doesn't feel that downtown is the best place for them. Expressed his concerns that although they state the best of intentions, they have not fulfilled those intentions in prior situations. Also stated that, since the Church expressed an interest in moving into the Cordova building, he knew of at least two and possibly three investors willing to buy out the current investors.

ALEDA SUSHO 277 SW Shirley Street Pullman, WA 99163 Stated that she has been a resident of Pullman for 15-16 years. Explained that her background is in performing arts, and stated that it is disappointing that there is no performing arts center in Pullman, and stated that the Cordova Theater building would be a perfect place for a performing arts center in Pullman.

JEFFRIES

Called for rebuttal by proponents.

JEFF FEUERSTEIN

Again suggested the Church web site. Explained that the Church is a "cell" church in which most of the meetings would be held outside the main church building, in people's houses and other meeting places.

JEFFRIES

Closed the public input portion of the hearing.

DISCUSSION

The Board members discussed the consistency of the Church in a C2 zone, the conditions suggested by the Planning Staff, allegations of noise complaints against Studio Ten-Nine, if there was any place in Pullman that was specifically zoned for churches and therefore a conditional use permit would not be necessary, and possible parking shortages.

MOTION

Kallaher moved to accept the Findings of Fact Nos. 1 through 25 as written. Seconded by Vonhof and passed unanimously.

MOTION

Vonhof moved to accept Conclusions Nos. 1 through 9 as written. Seconded by Kallaher and passed unanimously.

MOTION

Moved to approve the Conditional Use Permit No. C-05-4, subject to the three conditions suggested by staff. Seconded by Vonhof and passed 5 to 1 with Harbour abstaining.

JEFFRIES

Opened the second public hearing. Read the public hearing rules of

procedure, administered the oath or affirmation for those wishing to provide testimony during the second public hearing and qualified all Board members. Asked for the Staff Report

REGULAR BUSINESS

The Blind Squirrel's conditional use permit application C-05-5 regarding the proposed establishment of a "tavern, bar, cocktail loung" in the existing Adam's Mall building at 600 NE Colorado Street

Dickinson stated that the applicant was Jack Lyon, representing the Blind Squirrel, LLC. Explained that the Blind Squirrel Tavern (Blind Squirrel) has been allowed to operate under the previous Conditional Use Permit issued to Shaker's, which occupied the subject property previously, but that Conditional Use Permit was limited to the square footage (5,490 gross square feet) allowed under said permit. The applicant is proposing a 60% increase in interior tavern floor space over what was permitted on the previous conditional use permit. Additionally, the applicant is proposing to use a patio area which, by code, would require an additional six parking spaces. He stated that Planning Staff recommends approval of the conditional use permit with four conditions. Gave a brief explanation to the Board about conditions imposed on Shaker's.

Entered into the record Staff Report No. 05-23, with Attachments A through F, as Exhibit No. 1.

Entered into the record a letter from Kenneth G. Christianson dated October 10, 2005, as Exhibit No. 2

Entered into the record the conditions imposed on Shaker's in 2001 as Exhibit No. 3.

JEFFRIES

Called for proponents.

JACK LYON Studio 410, LLC 7501 SW Landau St. Tigard, OR 97223-9017 Stated that he is an alumnus of WSU, class of 1984; 4 of the 6 investors in the project are WSU alum. Their goal is to develop a quality establishment. Showed and explained the architectural plans for "The Blind Squirrel." They are renting twice the space, but only asking for an increase of 60%. Stated that the new owners of the building added an east patio area without increasing the parking. The change from current restaurant space to tavern space has the same demand for parking. Expressed a willingness to not put amplified music in the patio space and to limit hours for access to the patio.

MIKE STORM Pullman, WA 99163 Stated that he was a brand new resident of Pullman; so new that he could not remember his street address. Stated that the Blind Squirrel is NOT Shaker's; they are committed to the community; they will be offering coffee, high-end burgers & fries, a bakery, pizza and a burrito shop; they have invested a lot of money to build a good business; they want a safe place where college kids and others can come to drink and have fun responsibly; it was their idea to build a police substation in the

building; they want their patrons to be safe and not feel they have to drive somewhere else to get what they want. Expressed the desire to have the west patio area available mainly as a draw for late spring, summer and early fall patrons to help keep the business going outside of the football season.

MEL TAYLOR WSU Business Affairs Stated that he has had a part in the College Hill Revitalization project for WSU; that Pullman is very much a company town and their product is students; Adam's Mall is basically a pedestrian destination; WSU bought Adam's Mall and found someone (K. Duane Brelsford) to manage the property; there is a great need for what Mike Storm is trying to provide. Stated that WSU is not a fan of an event area in the parking lot, but that they are in support of the patio area. Explained that he had no knowledge of why WSU was so opposed to Shaker's but now supports this tavern.

ISAAC WELLS and MIKE KING 510 SW State Street Pullman, WA 99163 Stated that they are the ASWSU President and Vice-President and that they were at the meeting to speak on behalf of the students in favor of the Blind Squirrel. Called attention to their web site (www.votemikeandike.com) to see that the Adam's Mall renovation was one of their campaign platform issues. Reminded the Board that the CUB would be closed for two years beginning in June 2006, and that students will need a similar place where they can go for food and a safe place to study; opined that the Adam's Mall was mainly a pedestrian destination.

BOB ENSLOW 600 NE Colorado

Stated that his business, the Corner Market, has been in operation at 600 NE Colorado Street since August 1998. Stated that he is concerned about his patrons; that he has seen the work being done on The Blind Squirrel to change the acoustics so that the sound will be kept inside the building.

KEITH BLOOM 355 SW State Street Pullman, WA 99163 Stated that he wanted to give the businessman's perspective. Urged approval of the conditional use permit, including the west patio. Explained that the patio is critical for Café Moro summer business. Stated that he appreciates Mike Storm, Jack Lyon and the other investors stepping up to provide a controlled area for the students.

K. DUANE BRELSFORD 755 SE Pheasant Run Pullman, WA 99163 Stated that he has a 30-year master lease with WSU for the Adam's Mall. After obtaining the lease, he worked hard to get Shaker's out of the building. Explained that there had been a group of students who really wanted Shaker's to stay, but has found that the majority of students are more excited about a new tavern being in that area. Stated that two or three of the establishments in the Adam's Mall had been distributing illegal substances, and that those tenants are either no longer in the building or have agreed to abide by new landlord rules.

Stated that one of the first steps taken after obtaining the lease was to establish a Zero Tolerance policy for underage drinking; drug using, selling or buying; and disrespect of property. He stated that the businesses in the Adam's Mall will be under the microscope. He stated that the business is very comfortable with the conditions. He challenged the limitation on use, service or consumption of alcohol to the interior of the building, especially as to the patio, but stated they would be willing to forego the "Beer Garden" in the parking lot.

KALLAHER

Stated that he did not understand why the same conditions imposed previously on Shaker's were not being imposed on this facility.

JEFFRIES

Called for opponents.

JEFF BURNETT 370 State Street Pullman, WA 99163 Stated that he was speaking for himself and for Edwina Barnsley, his neighbor on the hill. He expressed his concerns about the accelerated use of alcohol on the hill; stated that he has had cars parked on his property by people who have been drinking at Shaker's. He stated that he and his neighbors all agreed they would not have purchased houses and raised families in the area if they'd known that a place serving alcohol could be located so close to their property.

DISCUSSION

The Board members agreed to stay beyond 11:00 p.m.

JEFFRIES

Called for reply by proponents.

JACK LYON

Stated that they were proposing to take the "crush" off The Coug and Valhalla and to bring the drinking into a controlled and responsible environment. Wanted to explain that they are not affiliated with the prior reputation. Answered that they will be providing a controlled situation through security; stated that they will have over 20 security staff members at the doors and roaming through the crowd, as well as having bartenders well trained on refusing service.

MIKE STORM

Contrasted The Blind Squirrel with "live-out houses" where sorority and fraternity members live outside of the established "houses" and where many students will go if they are unable to get good service on the hill. Stated that parties at "live-out houses" include underage drinking and drug use. Called attention again to the police substation in the building. Opined that 95% of all problems can and will be handled at the door. Stated that he believed he would be providing a solution to Mr. Burnett's concern.

JEFFRIES

Called for reply by opponents.

JEFF BURNETT

Stated that he was more concerned about behavior AFTER the

consumption; he didn't see The Blind Squirrel as a solution, but rather as an accelerant of the behaviors. Expressed his regret over the University's association with the situation. Suggested that the reasonable solution would be no consumption of alcohol in the establishment.

JEFFRIES

Called for rebuttal by proponents.

BOB ENSLOW

Stated that there is a system in existence where an individual of legal age will be the "beer purchaser" and will purchase beer at the request of a minor. He reminded the Board that the bar cannot serve beer to go, so if the "beer purchaser" is drawn into the bar, the likelihood of the minor getting alcohol is reduced because the purchaser is going to stay to have his/her drink rather than leave the establishment.

JEFFRIES

Closed the public input portion of the hearing.

DISCUSSION

The Board clarified the current parking lot configuration of 38 spaces; how the west patio area would affect parking demands; that The Blind Squirrel can still operate under the previous Conditional Use Permit provided they abide by the conditions and the space limitation; and prohibitions on access for minors.

JACK LYON

Responded to Jeffries question about minors by stating that they intended to have "under-age" nights in the dance bar area downstairs, and possibly some activities/events in the upstairs bar area.

DISCUSSION

The Board discussed the current suggested conditions; possibly using some or all of the conditions imposed upon Shakers; the patio and issues relating to is such as noise, hours, parking and seating.

MIKE STORM

Responded to questions about the patio by stating that they would follow the laws; they had no intention of providing amplified music on the patio; intended to use the patio during nice weather; had purchased 6 8-person tables, so would allow for 48 seats. Explained that they would like to serve alcohol on the patio, but that it is illegal for alcohol to be passed off the patio to anyone outside, and any student attempting to do so will be banned from the establishment until they graduate from WSU. Asked that he not be punished for others' bad behavior.

JACK LYON

Explained that the fence around the patio is a 42 inch mesh fence with railing. Stated that they envision the patio to be a nice social area.

ADJOURNMENT

Board agreed to continue the meeting to their regularly scheduled meeting on Monday, October 17, 2005, at 7:30 p.m.

ATTEST:		
Chairperson	Planning Director	
Secretary		